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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/622,990

07/18/2003

David J. Panek

093259-00014

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7590

06/16/2004

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EXAMINER

SHAKERI, HADI

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/622,990	PANEK ET AL.	
	Examiner	Art Unit	
	Hadi Shakeri	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1 recites the limitation "the inside" in line 7. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 4 recites the limitation "said pivot pin" in line 2. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 6 recites the limitation "said distal end of said engagement arm" in 1. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 7 recites the limitation "said distal end of said engagement arm" in 1. There is insufficient antecedent basis for this limitation in the claim. Further regarding claim 7, "coated with a smooth material" appears to be claiming a method of forming.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Main
(1,686,021).

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Main discloses all of the limitations of claim 1, i.e., a tool comprising a central bar member (19) having a proximal and distal end; an engagement arm (23) pivotally mounted on said distal end of said central bar for engagement with a workpiece; a pressure arm (21) also pivotally mounted on said distal end of said central bar for engagement with the workpiece; and, wherein the pressure arm and engagement arm are pivotable in unison when said central bar is pushed in a downward direction against the workpiece.

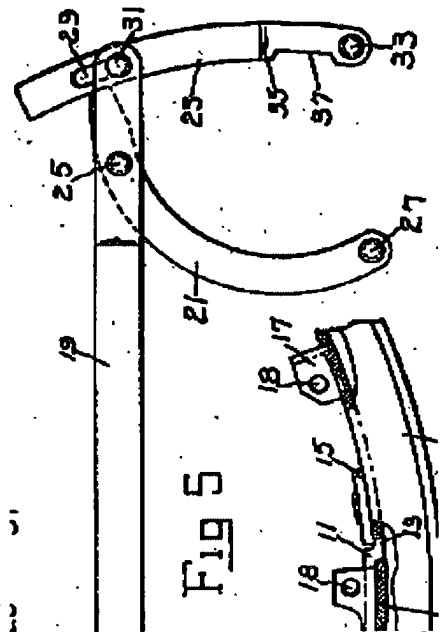
wherein said engagement arm is positioned adjacent said central bar and said pressure arm.

wherein said pressure arm and engagement arm are pivotally mounted on said distal end of said central bar by way of a pivot pin (25 and 31) extending therebetween.

wherein said pressure arm and said engagement arm each contain a respective tab (the trailing end) located thereon adjacent said pivot pin for limiting the pivoting travel and keeping said respective arms within an operational position.

wherein said engagement arm has a relieved area (37) intended use and/or functional language not resulting in structural limitations is not accorded patentable weight.

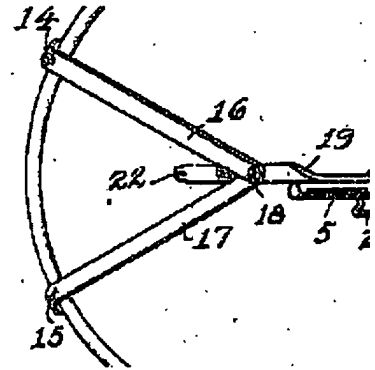
wherein said distal end of said engagement arm is rounded and is "smooth" and has an angled part (bolt 27).



9. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (1,323,927).

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Taylor discloses all of the limitations of claim 1, i.e., a tool comprising a central bar member (7) having a proximal and distal end; an engagement arm (16) pivotally mounted on said distal end of said central bar for engagement with a workpiece; a pressure arm (17) also pivotally mounted on said distal end of said central bar for engagement with the workpiece; and, wherein the pressure arm and engagement arm are pivotable in unison when said central bar is pushed in a downward direction against the workpiece.



wherein said engagement arm is positioned adjacent said central bar and said pressure arm.

wherein said pressure arm and engagement arm are pivotally mounted on said distal end of said central bar by way of a pivot pin (18) extending therebetween.

wherein said distal end of said engagement arm is rounded and is "smooth" and has an angled part (14).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Main or Taylor over Avansino (886,170).

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Both Main and Taylor meet all of the limitations of claim 9, including a handgrip section however, they do not disclose a handgrip positioned on the proximal end. Avansino teaches placing a handgrip over proximal end of handles for manipulation of the tool.


It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Main and/or Taylor with the handgrip as taught by Avansino to enhance the grip.

Conclusion

12. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Berry and Svensson are cited to show related inventions.

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hadi Shakeri at (703) 308-6279, FAX (703) 746-3279 for unofficial documents. The examiner can normally be reached on Monday-Thursday, 7:30 AM to 6:00 PM. All official documents may be faxed to (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1148.


Hadi Shakeri
Patent Examiner
June 12, 2004